IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 12615 of 2005

Between:

Ch. Raghurami Reddy, S/o. Ramana Reddy,
R/o. D.No. 6/185-1, Pappula Street, Stonehousepet, Nellore Town, Nellore District.

..... PETITIONER

AND

1 The Sub-Inspector of Police, Gudur I Town, Police Station,
Gudur, Nellore District.
2 The Mandal Revenue Officer, Gudur Mandal, Gudur, Nellore

District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or direction declaring the action of the 1st respondent in seizing the lorry bearing No. AP 07 X 1447 of the Petitioner for the alleged contravention as illegal, arbitrary and without jurisdiction and consequently direct the respondents to release the lorry bearing No. AP 07 X 1447 to the Petitioner, and pass such other or further order or orders

Counsel for the Petitioner: MR.P.GANGA RAMI REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR HOME

The Court made the following :

ORDER:

The petitioner's lorry bearing registration No.AP 07 X 1447 was seized by the 1st respondent and placed in the custody of the 2nd respondent on 8.6.2005 on the ground that two coolies were loading 29 bags of rice and 2 bags of jowar in the lorry from a Kirana and General shop. There were neither -way bills nor any other bills in respect of the rice.

The petitioner filed the writ petition seeking release of the vehicle. A counter affidavit is filed by the 1st respondent stating that on contravention of the relevant control order, Crime No.65 of 2005 has been registered under Sections 3 read with Section 7 of the Essential Commodities Act 1955 (for short 'the Act')against the petitioner and two others and that investigation is in progress. On this development, the learned counsel for the petitioner states that under Section 6-A of the Act, confiscation of any vehicle used for transporting essential commodities in contravention of the provisions of the Act or any control order thereunder need not be pursued and the owner of such vehicle shall be given an option to pay, in lieu of the confiscation a fine not exceeding the market price at the date of seizure of the essential commodities sought to be carried by such vehicle.

In the light of the above statutory provision, the learned counsel for the petitioner states that the petitioner is willing to furnish bank guarantee to the 2nd

respondent for the value of the 29 bags of rice in respect of which crime No.65 of 2005 has been registered against the petitioner and two others and that on furnishing such bank guarantee, the vehicle may be released.

In view of the submissions and the statutory provisions, the writ petition is disposed of directing the 2nd respondent to release the petitioner's lorry bearing registration No. AP 07 X 1447 in his favour on his furnishing a bank guarantee drawn on any nationalized bank in an amount representing the current market value of 29 bags of rice seized from the petitioner's lorry on 8.6.2005. The value shall be determined and made known by the 2nd respondent to the petitioner forthwith so as to enable him to furnish the bank guarantee. On the petitioner furnishing bank guarantee, the vehicle shall be released.

17..06..2005

Note: Furnish CC by Monday

(B/o)

msv.

To

1 The Sub-Inspector of Police, Gudur I Town, Police Station, Gudur, Nellore District.
2 The Mandal Revenue Officer, Gudur Mandal, Gudur, Nellore

District.

3 2 CCs to the GP for Home, High Court of A.P. Hyd.

4 2 CD copies.